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6 Attorneys for Plaintiff  
7 UNITED STATES OF AMERICA

8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 KARLEEN ANN RAMOS,

14 Defendant.

Magistrate Case No. 08MJ1960

15 **STIPULATION OF FACT AND JOINT  
MOTION FOR RELEASE OF  
MATERIAL WITNESS(ES) AND  
ORDER THEREON**

(Pre-Indictment Fast-Track Program)

16 **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES  
17 OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Caleb E.  
18 Mason, Assistant United States Attorney, and defendant KARLEEN ANN RAMOS, by and through  
19 and with the advice and consent of defense counsel, Stephen D. Demik, that:

20 1. Defendant agrees to execute this stipulation on or before the first preliminary hearing  
21 date and to participate in a full and complete inquiry by the Court into whether defendant knowingly,  
22 intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead  
23 guilty to the pre-indictment information charging defendant with a non-mandatory minimum count  
24 of Bringing in Aliens Without Presentation and Aiding and Abetting, in violation of 8 U.S.C.  
25 § 1324(a)(2)(B)(iii) and 18 U.S.C. § 2.

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28 CEM:lg:6/30/08

FILED

JUL 10 2008

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
DEPUTY

08cr2275-H

2. Defendant acknowledges receipt of a plea agreement in this case and agrees to provide the signed, original plea agreement to the Government not later than five business days before the disposition date set by the Court.

3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or before **July 28, 2008**.

4. The material witnesses, Valentin Hernandez-Perez, Josefina Rodriguez-Martinez and Arturo Andrade-Perez, in this case:

a. Are aliens with no lawful right to enter or remain in the United States;

b. Entered or attempted to enter the United States illegally on or about June 24, 2008;

c. Were found in a vehicle driven by defendant at the San Ysidro, California, Port of Entry (POE), and that defendant knew or acted in reckless disregard of the fact that they were aliens with no lawful right to enter or remain in the United States;

d. Were paying or having others pay on their behalf an unknown amount up to \$5,000 to others to be brought into the United States illegally and/or transported illegally to their destination therein; and,

e. May be released and remanded immediately to the Department of Homeland Security for return to their country of origin.

5. After the material witnesses are ordered released by the Court pursuant to this stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any reason, or thereafter withdraws her guilty plea to that charge, defendant agrees that in any proceeding, including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

a. The stipulated facts set forth in paragraph 4 above shall be admitted as substantive evidence;

b. The United States may elicit hearsay testimony from arresting agents regarding any statements made by the material witness(es) provided in discovery, and such testimony

1 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest  
2 of (an) unavailable witness(es); and,

3 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),  
4 "testimonial" hearsay statements are not admissible against a defendant unless defendant confronted  
5 and cross-examined the witness(es) who made the "testimonial" hearsay statements, defendant  
6 waives the right to confront and cross-examine the material witness(es) in this case.

7 6. By signing this stipulation and joint motion, defendant certifies that defendant has  
8 read it (or that it has been read to defendant in defendant's native language). Defendant certifies  
9 further that defendant has discussed the terms of this stipulation and joint motion with defense  
10 counsel and fully understands its meaning and effect.

11 Based on the foregoing, the parties jointly move the stipulation into evidence and for the  
12 immediate release and remand of the above-named material witness(es) to the Department of  
13 Homeland Security for return to their country of origin.

14 It is STIPULATED AND AGREED this date.

15 Respectfully submitted,

16 KAREN P. HEWITT  
17 United States Attorney

18 Dated: 7/10/08.

19   
20 CALEB E. MASON  
21 Assistant United States Attorney

22 Dated: 7/2/08.

23   
24 STEPHEN D. DEMIK  
25 Defense Counsel for KARLEEN ANN RAMOS

26 Dated: 7/2/08.

27   
28 KARLEEN ANN RAMOS  
Defendant

**ORDER**

Upon joint application and motion of the parties, and for good cause shown,

**THE STIPULATION** is admitted into evidence, and,

**IT IS ORDERED** that the above-named material witness(es) be released and remanded forthwith to the Department of Homeland Security for return to their country of origin.

**SO ORDERED.**

Dated: 7/10/08

W. Meléndez  
United States Magistrate Judge